

**United States Government  
National Labor Relations Board  
OFFICE OF THE GENERAL COUNSEL**

## Advice Memorandum

DATE: July 17, 1997

TO : Richard L. Ahearn, Regional Director  
Region 9

FROM : Barry J. Kearney, Associate General Counsel  
Division of Advice

SUBJECT: Union of Needletrades, Industrial & Textile  
Employees (Peerless Clothing USA)  
9-CC-1590

This case was submitted for advice as to whether the Union violated Section 8(b)(4)(ii)(B) by picketing Men's Warehouse stores, a secondary employer.

We agree with the Region that the Union's picketing of Men's Warehouse violated Section 8(b)(4)(ii)(B) of the Act.<sup>1</sup> The Union's dispute is with Peerless Clothing, not Men's Warehouse. However, the Union's picketing did not fall within lawful Tree Fruits<sup>2</sup> activity because its picket signs failed to "identify the struck product with sufficient clarity to enable consumers to know what products they are being asked to eschew."<sup>3</sup> The Union's picket sign names Peerless as a supplier of the Employer, but fails to specify its product. Further, the name of the secondary Employer, Men's Warehouse, is in much larger type than primary employer Peerless. Thus, the consumers could not know from the picket signs what products they are being asked to avoid.

B.J.K.

---

<sup>1</sup> [FOIA Exemption 5 .]

<sup>2</sup> NLRB v. Fruit and Vegetable Packers & Warehousemen, Local 760 (Tree Fruits Labor Relations Committee, Inc.), 377 U.S. 58 (1964).

<sup>3</sup> Meat Cutters Local 248 (Milwaukee Ind. Meat Packers Ass'n), 230 NLRB 189, 203 (1977), *enfd.* 571 F.2d 587 (7th Cir. 1978).

